



**DEPARTMENT OF THE NAVY**  
COMMANDER NAVAL AIR FORCE RESERVE  
PO BOX 357112  
SAN DIEGO CA 92135-7112

5720  
Ser N00J/041  
February 5, 2020

LCDR Matthew J. Stettner  
518 Airport Drive South  
Summerland Key, FL 33042

Dear LCDR Stettner:

This is in response to your request of January 28, 2020 under the Freedom of Information Act (FOIA) in which you requested "an electronic copy (in .pdf format) of all materials, interviews and/or documents collected during the investigation, relevant to the case number 201904269 and/or considered by CTSW in making their final determination." Your request was perfected on January 28, 2020 and assigned FOIA case file number DON-NAVY-2020-004037.

The requested investigation and related documents are being withheld from release pursuant to FOIA exemptions (b)(6) and (b)(7)(C). Exemption (b)(6) protects from disclosure information about individuals when the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. Exemption (b)(7)(C) provides protection for law enforcement information the disclosure of which "could reasonably be expected to constitute an unwarranted invasion of personal privacy." Law enforcement information includes anything that could result in criminal, civil, or administrative penalties and includes Inspector General (IG) and command investigations. In applying these exemptions, a balancing test is done, weighing the privacy interests of the individuals named in a document against the public interest in disclosure of the information requested.

In a letter dated November 26, 2019, Commander, Tactical Support Wing informed you that an investigation found your allegations to be unsubstantiated. Government employees have a privacy interest in any record that reports on an investigation that could lead to the employee's discipline, especially where, as here, allegations against the employees were found to be without merit. Additionally, I find that there is no overriding public interest in these unsubstantiated allegations. Therefore, after applying the balancing test, release of the unsubstantiated allegations and the discussion contained in the investigation would constitute an unwarranted invasion of privacy of the subjects and other personnel named in the report that is not outweighed by the appropriate public interest.

In view of the above, you may consider this to be an adverse determination that may be appealed to the Judge Advocate General (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe it should be granted. We recommend that your appeal and its envelope both bear the notation "Freedom of Information Act/Privacy Act Appeal."

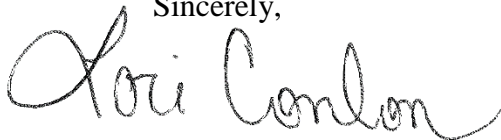
To ensure that your request is received by the deadline, I recommend that you make your appeal by using FOIAonline. To do so, go to FOIAonline (a website which appears as the top item if you search the internet for "FOIAonline"), establish an account if you have not already

(click "Create an Account," the bottom of three green buttons on the right of the FOIAonline home page), locate your original request (enter a keyword or the tracking number of the request in the "Search for" field on the "Search" tab), click on the request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and you can type in the basis of your appeal.

No assessable fees were associated with the processing of your request. If you have any questions regarding this matter, please contact me at (619) 545-2783 or [loriann.conlon@navy.mil](mailto:loriann.conlon@navy.mil).

For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at [Christopher.A.Julka@navy.mil](mailto:Christopher.A.Julka@navy.mil) or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

A handwritten signature in cursive script that reads "Lori Conlon". The signature is written in dark ink and is positioned above the printed name and title.

L. CONLON  
Staff Judge Advocate  
By direction  
of the Commander